

November 2, 2018

Mr. Eric Chodnicki  
Daft, McCune & Walker, Inc.  
501 Fairmount Avenue, Suite 300  
Towson, MD 21286

Re: Hidden Waters  
Forest Buffer Variance Request  
Tracking # 02-18-2827

Dear Mr. Chodnicki:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by this Department of Environmental Protection and Sustainability (EPS) on October 15, 2018. This request proposes to grade 3,400 square feet (sf) of future Forest Buffer area that is currently fallow farm field in order to develop a 24-lot residential subdivision. This grading is necessary to create a pad site for lot 8 as well as SWM facility #2, as proposed on the development plan.

This Department has reviewed your request and determined that a practical difficulty in fully meeting the law exists given that the subdivision layout has been designed to minimize this disturbance, which can be afforested afterward. We further find that the potential for impacts to water quality and aquatic resources as a result of this proposal has been minimized by reducing the footprint of the proposed graded slope in the buffer and tightening the development design to keep the limit of disturbance as far from the stream system as possible while still meeting Baltimore County zoning setbacks and road standards. Moreover, these unavoidable impacts can be further minimized by performing mitigative measures, including planting native trees in the temporarily disturbed open buffer area.

Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions to further minimize impacts:

1. The following note must appear on all subsequent plans submitted for this project:

“A variance was granted by the Baltimore County Department of Environmental Protection and Sustainability on November 2, 2018 from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. Conditions

were placed on this variance to reduce water quality impacts including planting of the temporarily disturbed buffer with native trees.”

2. A Forest Buffer Protection Plan (FBPP) detailing the 3,400 sf of buffer planting for this impact as well as any buffer mitigation required for approval of the companion alternatives analysis for sewer and SWM outfall construction in the FBE shall be approved by EPS staff prior to grading plan approval. All tree stock shall be native deciduous species a minimum 1” caliper and planted at 200 stems/acre. An itemized cost estimate for implementing the approved FBPP shall be included, but its unit cost shall be no less than \$0.25/sf.
3. A FBPP security based on 110% of the EPS-approved cost estimate shall be posted with EPS via an Environmental Agreement prior to grading permit.
4. All other tree planting required to meet the Forest Conservation Law shall occur in the Forest Buffer Easement. The Forest Conservation Plan may be combined with the FBPP.
5. All conditions of this Department’s September 18, 2017 variance to allow reduction of the FBE based on good vegetative cover shall be fully met, including posting of the outer Forest Buffer Easement and/or Forest Conservation Easement limit with protective signage and at-grade monuments.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submission of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the next page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

c. Ms. Jennifer Langford, Bozzuto Homes, Inc.

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I/we agree to the above conditions to bring my/our property into compliance with Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains.

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Property Owner's Signature

Date

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Printed Name

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Contract Purchaser's Signature

Date

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Printed Name